

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

April 18, 2006

SUBJECT: PROTOCOL ON THE COLLECTION OF DNA SAMPLES FROM SEX OFFENDERS

PURPOSE: California Penal Code Section 296 was recently revised to include offenders who have been arrested for certain crimes and those who have been convicted of any felony offense. The Penal Code revision also established Buccal Swab samples (i.e., buccal cells obtained from inner cheek scrapings) as the primary method of Deoxyribonucleic Acid (DNA) collection. The California Department of Justice has developed and supplied the Department with a standardized kit to collect DNA and right thumbprints from individuals required to provide samples.

This Order revises Special Order No. 14, 2004, *Sex Offender Agreement to Appear and Provide Specimens, Form 8.26.1 - Activated*, and outlines the procedures for Registration Enforcement and Compliance Team (REACT) personnel in collecting Buccal Swab samples from sex registrants. In addition, this Order deactivates the Sex Offender Agreement to Appear and Provide Specimens, Form 8.26.1, and references the Penal Code Section 298.1, Admonishment Form introduced in Special Order No. 38, 2005, *Protocol on the Collection of DNA Samples at LAPD Jails*.

PROCEDURE:

- I. SEX OFFENDER AGREEMENT TO APPEAR AND PROVIDE SPECIMENS, FORM 8.26.1 - DEACTIVATED.** The Sex Offender Agreement to Appear and Provide Specimens, Form 8.26.1, is deactivated.
- II. EMPLOYEE RESPONSIBILITY.** When a sex offender reports to an Area for registration, employees shall refer the registrant to the appropriate Area or geographic bureau REACT unit.
- III. REACT UNIT RESPONSIBILITIES.** When a sex offender reports for registration, the investigating REACT officer shall identify the registrant and complete the registration procedure in accordance with Operational Order No. 4, 2002, *Registration of Sex Offenders*.

During the registration process, the investigating REACT officer shall determine whether the sex registrant has met

the requirements of sections 296(a)(3) PC or 296.2 PC, providing the appropriate specimens. If the sex registrant has not, the REACT personnel shall:

- * Remind the sex registrant of the requirement to provide specimens as documented on the signed Department of Justice (DOJ) Form SS-8102 or in Section 296.2 PC;
- * Obtain the Buccal Swab samples and right thumbprint from the registrant and complete the specimen information card;

Note: Officers obtaining Buccal Swab samples from a registrant must have completed the DNA Buccal Swab Training.

- * Submit the completed specimen information card, Buccal Swab samples and right thumbprint to the State of California Department of Justice;
- * Obtain a palm print, unless the Criminal Information Index (CII) Criminal History Sheet reflects that a palm print is already on file;
- * Submit a copy of the specimen information card to Jail Division personnel for input into the DNA Offender Tracking System; and,
- * If the registrant refuses to provide a Buccal Swab sample and right thumbprint, immediately notify a detective/REACT supervisor (or other supervisor if a detective supervisor is unavailable).

IV. REACT UNIT SUPERVISOR'S RESPONSIBILITIES. REACT supervisors shall:

- * Ensure that REACT officers have received the DNA Buccal Swab Training prior to utilizing the standardized kit to collect the DNA samples;
- * If the sex registrant continues to be non-compliant, the supervisor shall attempt to obtain the sex registrant's signature for refusal and ensure the Admonishment Form is completed;
- * Ensure that the sex registrant is arrested and booked for 298.1 PC and an arrest report is completed;
- * Read the admonishment from the Penal Code Section 298.1, Admonishment Form, to the non-compliant sex registrant and ensure the Admonishment Form is properly completed; and,

- * Review and approve arrest reports pertaining to the sex registrant's refusal.

AMENDMENTS: This Order amends Section 2/525 and deletes Section 5/8.26.1 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

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